

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

CIVIL NO. 1:04CV41

SYNERGY FINANCIAL, L.L.C, and )  
NYNC, LLC, )  
                        )  
Plaintiffs,         )  
                        )  
Vs.                 )        ORDER OF DISMISSAL  
                        )  
FRANCIS A. ZARRO, JR.; )  
AMERICAN PASTIME HOLDINGS, )  
INC.; and Z-HeMa, LLC, )  
                        )  
Defendants.         )  
                        )

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**THIS MATTER** is before the Court on the Plaintiffs' motion to dismiss this action without prejudice pursuant to Fed. R. Civ. P. 41(a)(2). No responses or objections to the Plaintiffs' motion have been received from the Defendants.

For the reasons stated in the motion, and there being no objections filed,

**IT IS, THEREFORE, ORDERED** that the Plaintiffs' motion to dismiss without prejudice pursuant to Fed. R. Civ. P. 41(a)(2) is **ALLOWED**, and this

matter is hereby **DISMISSED WITHOUT PREJUDICE** to Plaintiffs' refiling this action within one year from entry of this Order.

**Signed: December 2, 2005**



Lacy H. Thornburg  
United States District Judge

